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Elections to fill vacancies in subsidiary organs and other elections: election of fourteen members of the Human Rights Council

Letter dated 10 March 2010 from the Permanent Representative of Spain to the United Nations addressed to the President of the General Assembly

I have the honour to inform you that the Government of Spain has submitted its candidature for membership of the Human Rights Council for the term 2010-2013 at the elections to be held next May, during the sixty-fourth session of the General Assembly.

Attached hereto is a document setting out the voluntary pledges and commitments made by the Government of Spain in this regard, in accordance with General Assembly resolution 60/251 (see annex). I should be grateful if you would have this letter and its annex circulated to the Member States as a document of the General Assembly under agenda item 111 (h).

(*Signed*) Juan Antonio **Yáñez-Barnuevo**

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Annex to the letter dated 10 March 2010 from the Permanent Representative of Spain to the United Nations addressed to the President of the General Assembly

[Original: Spanish]

Spain's voluntary pledges and commitments to the Human Rights Council, in accordance with General Assembly resolution 60/251

Spain resolutely defends respect for human rights around the world. It does so as a consequence of the universal values enshrined in its Constitution and because it is convinced that only through respect for rights and freedoms and for human dignity will we achieve a prosperous and peaceful world.

Spain is firmly committed to those who are most underprivileged. On the one hand, Spain is making a major effort to combat poverty: it has significantly increased the funds which it allocates to development cooperation and expects that they will account for 0.7 per cent of its gross domestic product by 2012. On the other hand, Spain is a staunch supporter of human rights, which are a cornerstone of the Government's actions, both domestically and abroad. It is only through multilateralism and consistency between its national and international actions that Spain can truly meet its obligations relating to respect for fundamental human rights throughout the world.

I. International contribution

1. International human rights instruments to which Spain is a State party and indications of intent to ratify further instruments or to withdraw reservations

Spain is a party to nearly all the United Nations human rights instruments and to most similar instruments within the United Nations system, such as those of the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

Among the main international instruments recently ratified by Spain are the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (2005), the Convention on the Rights of Persons with Disabilities and its Optional Protocol (2007) and, more recently, the International Convention for the Protection of All Persons from Enforced Disappearance (2009).

Spain played an active role in the negotiations that led to the adoption by the General Assembly, in 2007, of the United Nations Declaration on the Rights of Indigenous Peoples.

In September 2009, during the opening for signature ceremony, Spain signed the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.

Spain has withdrawn its reservation to article 9 of the Convention on the Prevention and Punishment of the Crime of Genocide, which relates to the jurisdiction of the International Court of Justice, and has ratified the amendment to

article 20, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women, the aim of which is to increase the frequency of meetings of the Committee on the Elimination of Discrimination against Women.

Lastly, Spain has begun the necessary formalities to accede to the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.

2. Cooperation with special procedures

Spain has issued a standing invitation to all mandate-holders under the special procedures established by the Human Rights Council. In recent years, Spain has received visits from the following special procedures mandate-holders:

- Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (2003);
- Special Rapporteur on the human rights of migrants (2003);
- Special Rapporteur on promoting the realization of the right to adequate housing (2006);
- Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (2008);
- In October 2008, Spain notified the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression that it had consented to a forthcoming visit to Spain.

Spain replies promptly to communications from Special Rapporteurs and follows up on the recommendations which they formulate after their visits.

3. Cooperation with treaty bodies

Spain recently submitted its periodic reports to the Committee against Torture (2008), the Committee on the Rights of the Child (2008), the Committee on the Elimination of Racial Discrimination (2009) and the Committee on Economic, Social and Cultural Rights (2009).

In recent years, it has also defended its reports to the Human Rights Committee (2008) and the Committee on the Elimination of Discrimination against Women (2009).

Spain has signed and ratified most of the optional protocols to the main human rights treaties, many of which relate to ways of strengthening cooperation with the treaty bodies, including cooperation to address complaints submitted by individuals. In that connection, it intends to make a statement in the near future recognizing the competence of the monitoring body of the International Convention for the Protection of All Persons from Enforced Disappearance.

4. Contribution to international initiatives for the promotion and protection of human rights through the provision of human, technical and financial resources

Spain supports the main international initiatives for the protection and promotion of human rights, including, in particular:

- In December 2006, Spain established a 528 million euro trust fund for the achievement of the Millennium Development Goals in close cooperation with the United Nations Development Programme (UNDP), which administers it, and subsequently made an additional contribution of 90 million euros. Spain is thus attempting to achieve the Goals through an economic, social and cultural rights-based approach;

- In 2009, in a special effort to combat discrimination on grounds of gender, Spain contributed 50 million euros towards the establishment of the Gender Equality Fund administered by the United Nations Development Fund for Women (UNIFEM);

- Spain, in partnership with Turkey, has promoted and fully supports the Alliance of Civilizations initiative, which has been endorsed by the Secretary-General of the United Nations and supported by the General Assembly, as a forum for easing tensions and countering polarization and extremism within and among societies through a focus on the promotion and protection of human rights;

- Spain is firmly committed to the promotion of democracy around the world, particularly through support for United Nations-sponsored multilateral programmes. Spain has supported the United Nations Democracy Fund (UNDEF) since its establishment and has become one of its largest contributors;

- Spain has demonstrated its firm commitment to protecting the rights of the child through its contributions to the United Nations Children's Fund (UNICEF), which in 2008 amounted to over 74 million euros in voluntary contributions and donations to various funds. More specifically, it made a contribution of 2 million euros from its development assistance fund to support UNICEF programmes for child soldiers;

- Spain is the foremost contributor to the International Commission against Impunity in Guatemala (CICIG), established by the relevant Agreement between the United Nations and the State of Guatemala and supported by the General Assembly;

- In October 2007, the Government of Spain adopted a National Plan of Action for the implementation of Security Council resolution 1325 (2000) on women and peace and security;

- Spain fully supports the negotiation of a future instrument for the establishment of common international standards for the import, export and transfer of conventional arms;

- Spain has put forward an initiative for the achievement of a universal moratorium on the death penalty, in which it proposes the establishment of an international panel of experts. An ambassador-at-large has been appointed to advance this initiative.

5. Cooperation with the Office of the United Nations High Commissioner for Human Rights and support for its activities

Between 2004 and 2009, Spain's voluntary contribution to the Office of the High Commissioner increased sixfold and it is currently the second largest contributor to the Office's activities.

More than half the contribution is unearmarked and the rest is earmarked for field activities (including in Colombia, Guatemala, Bolivia, Haiti, Iraq, Afghanistan and the Democratic Republic of the Congo), thematic funds (protection of torture victims, indigenous populations, combating contemporary forms of slavery and the Special Fund for the Optional Protocol to the Convention against Torture) and other areas (special procedures, gender violence and persons with disabilities).

In 2008, Spain made a special contribution to the commemoration of the sixtieth anniversary of the Universal Declaration of Human Rights.

6. Commitment to fully support and constructively engage in the deliberations of the Human Rights Council and its subsidiary bodies and mechanisms, including the special procedures

Spain submitted its candidature for membership of the Human Rights Council in 2008. It has participated constructively in the various universal periodic reviews of other countries.

Together with Germany, Spain has proposed an initiative for the recognition of access to safe drinking water and sanitation as a human right.

Spain helped to finance the renovation of Conference Room XX of the Palais des Nations in Geneva, the official meeting place of the Human Rights Council.

7. Commitment to open and constructive engagement in a robust universal review procedure, including reporting on measures taken to follow up on its recommendations

Spain will submit its first report to the universal periodic review mechanism of the Human Rights Council for discussion and review in May 2010. This report is the outcome of an open and transparent process, in cooperation with the Office of the Ombudsman, Spain's national human rights institution, and with non-governmental organizations active in this field.

II. National contribution

1. Description of the national human rights policy, including information on national human rights planning, the operations of independent national human rights institutions and guarantees of effective remedies to redress human rights abuses, etc.

The 1978 Spanish Constitution sets out and guarantees the rights of its citizens and of all persons and establishes an independent judicial system responsible for protecting them from any form of violation or abuse. Within this system, a special role is played by the remedy of *amparo* before the Constitutional Court, whereby any person may appeal court decisions that affect specially protected fundamental rights when ordinary remedies have proved unsatisfactory.

The Constitution further establishes an independent human rights institution, the Office of the Ombudsman, whose mandate is to protect the rights of all persons and to monitor Government actions in cooperation with regional delegates. The Ombudsman is appointed by Parliament, acts independently and does not receive instructions from any authority, in accordance with the Paris Principles relating to national human rights institutions.

In December 2008, the Government of Spain adopted a Human Rights Plan, which was presented to the States Members of the United Nations in New York. The Plan methodically sets out all government actions and public policies for the protection and promotion of human rights at both the domestic and foreign policy levels. It is an open plan that includes input from civil society, which also participates in its implementation through four non-governmental organizations that are members of the Follow-up Commission. On the same day, a comprehensive plan to combat trafficking in persons for the purpose of sexual exploitation was also adopted. A plan to combat labour exploitation is also being developed.

In addition, Spain is a member of the Council of Europe, having held the chairmanship of its Committee of Ministers from November 2008 to May 2009, and has ratified the European Convention on Human Rights and most of the protocols thereto as well as the European Social Charter and the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The rights of persons are thus effectively protected through regional monitoring mechanisms such as the European Court of Human Rights and other specialized bodies.

2. Identification of principal human rights challenges, as well as indication of steps to be taken to meet those challenges

The Spanish Government, aware of the challenges posed by the protection of human rights, has developed a set of public policies and promoted new legislation with a view to removing any obstacles to full and genuine equality of all citizens.

Laws adopted recently in this connection include:

- The Organization Act on Comprehensive Measures for Protection against Gender-based Violence (2004), aimed at protecting victims and providing them with the necessary support;
- The Personal Autonomy Act (2006), aimed at providing equal opportunities to those who are unable to look after themselves (including persons with illnesses or disabilities) and to their families;
- The Gender Equality Act (2007), aimed at eliminating all obstacles to genuine equality between men and women;
- The Gender Identity Act (2007), eliminating all discrimination based on sexual orientation.

In addition, mandatory classes on civics and human rights have been introduced in schools.

In order to rise to the challenges posed by an increasingly diverse Spanish society, new institutions have been established, including:

- The Council for the Promotion of Equal Treatment, aimed at promoting equality between nationals and immigrants;

- The Foundation for Pluralism and Coexistence, which promotes interfaith dialogue and mutual understanding;

- The State Council of the Roma People, which recognizes the special situation of citizens of Roma ethnicity, many of whom are still experiencing integration problems.

Lastly, a National Mechanism for the Prevention of Torture was established in 2009, pursuant to the obligations undertaken by Spain in ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the mandate has been assigned to the Ombudsman.

3. Forms of contribution of civil society, including to the formulation and implementation of domestic human rights policy and programmes

The Government regularly consults civil society organizations in formulating public policies for the promotion of human rights. Two recent examples of this consultation process are:

- The Human Rights Plan. Once it had prepared the preliminary draft, the Government shared it with civil society organizations. The Plan, which was adopted in 2008, was finalized in a transparent and inclusive manner. Non-governmental organizations will also be involved in the work of the Follow-up Commission;

- Members of the National Mechanism for the Prevention of Torture have also been appointed in consultation and coordination with the national human rights institution and civil society organizations.

Additionally, civil society organizations are consulted during the preparation of a number of reports submitted to the human rights treaty bodies. Non-governmental organizations have access to funding from various government sources to help them make their valuable contribution to the protection and development of civil rights and freedoms.

4. Pledge to uphold the highest standards in the promotion and protection of human rights

Spain will comply fully with its obligations under all the international instruments to which it is a party and will continue to uphold the highest standards in promoting and protecting the human rights of all persons under its jurisdiction.